

REMARKS

By this Amendment, claims 1, 7, 10, and 12-16 are amended. Favorable reconsideration and prompt allowance of claims 1-16 is earnestly solicited.

The rejection of claims 1, 2, 4, 6-8, 10, and 12-16 under 35 U.S.C. §102(e) over U.S. Patent Application Publication No. 2004/0001467 to Cromer et al. ("Cromer") is respectfully traversed. A rejection based on 35 U.S.C. §102 requires every element of the claim to be included in the reference, either directly or inherently.

As amended, independent claims 1, 13, and 14 recite, *inter alia*, methods of allocating bandwidths in a wireless LAN having a plurality of access points and a control unit, wherein the control unit is operable to continuously monitor the bandwidth usage by each of the access points. Applicant respectfully submits that Cromer fails to disclose a control unit operable to perform the method, as recited in claim 1 and depicted by the Applicant as "M" and "S," respectively, in Fig. 1.

Cromer appears only to disclose, as stated in the abstract, apparatus and method providing dynamic load balancing of network bandwidth between access points, wherein each access point generates and monitors average bandwidth utilization of client devices connected to it. Nowhere does Cromer disclose a control unit operable to continuously monitor the bandwidth usage of each access point, as recited in claim 1.

Similarly, independent claims 15 and 16 are apparatus claims that recite, *inter alia*, a control unit operable to continuously monitor the bandwidth usage by each of the access point. As argued above, Cromer fails to disclose the claimed control unit.

Accordingly, because Cromer does not disclose, teach or suggest each and every limitation recited in independent claims 1 and 13-16, the rejection under 35 U.S.C. §102(e) over Cromer is improper. Applicant respectfully submits, therefore, that independent claims 1 and 13-16 are patentable over Cromer.

Claims 2-12 depend from independent claim 1 and are likewise patentable over Cromer at least for their dependence on claim 1, as well as for additional features they recite. Withdrawal of the rejection over Cromer is respectfully requested.

The rejections of claims 3-6 and 9-16 under 35 U.S.C. §103(a) over Cromer are likewise traversed. As submitted above, the disclosure of Cromer does not teach or suggest all of Applicant's claim limitations, specifically in regards to a control unit operable to monitor the bandwidth usage of each access point, as recited in each of independent claims 1 and 13-16.

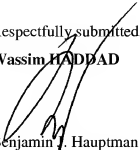
Applicant respectfully submits, therefore, that claims 3-6 and 9-16 are patentable over Cromer due to the failure of Cromer to disclose, teach or motivate all recited features of the claims.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-16 is earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,
Wassim HADDAD

By:  Benjamin J. Hauptman
Registration No. 29,310

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, CO 80527-2400
703-684-1111 Telephone
970-898-0640 Telecopier
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